

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK BATTALINE and	)	
VINCENT ROSS,	)	
individually and on behalf	)	
of all others similarly	)	
situated,	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 06-569
	)	
ADVEST, INC.,	)	
Defendant.	)	

ORDER OF COURT

AND NOW this 8 day of April, 2008, upon consideration of the Parties' Revised Proposed Notice, [Doc. No. 56], ("Revised Notice"), IT IS HEREBY ORDERED THAT:

- (1) The Notice Plan, [Doc. No. 35, Exhibit A at paragraphs 2.4 - 2.5], and Class Mail Notice, [Doc. 56, Exhibit 1], satisfy the requirements of the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. ("FLSA") and Fed.R.Civ.P. 23.
- (2) Rust Consulting, Inc., is appointed Claims Administrator.
- (3) A hearing shall be held in Courtroom 3A, Third Floor, United States Courthouse, Grant Street, Pittsburgh, PA on July 7, 2008, at 9:30 a.m. to consider whether the settlement should be given

final approval.

- (a) Objections by class members to the proposed settlement will be considered if filed in writing with the Clerk, and served on the parties, on or before June 23, 2008.
- (b) Any Rule 23 class member who wishes to opt-out of the proposed settlement must notify the Claims Administrator and file a notice with the Clerk on or before June 23, 2008.
- (c) Any FLSA class member who wishes to opt-in to the proposed settlement must notify the Claims Administrator or before June 23, 2008
- (d) At the hearing, class members may be heard orally in support of or in opposition to the settlement, provided such persons file with the Clerk, and serve on the parties, a written notification that they wish to appear personally, indicating briefly the nature of the objection on or before June 30, 2008.
- (e) Counsel for the class and counsel for the defendants should be prepared at the hearing to respond to objections filed by such class members and to provide other information, as appropriate, bearing on whether or not the settlement should be approved.

(4) Notice

(a) The Claims Administrator shall by May 9, 2008, cause to be mailed in the name of the Clerk the notice proposed in the Revised Proposed Notice, [Doc. No. 56, Exhibit 1], pursuant to the procedure set forth in the Notice Plan, [Doc. No. 35, Exhibit A at paragraphs 2.4 - 2.5].

(5) Class counsel will file with the Clerk by June 30, 2008, an affidavit identifying the persons to whom notice has been mailed and: (a) for the FLSA class, who have opted in; and (b) for the Rule 23 class who have not timely requested exclusion.

(6) The parties shall file a Joint Motion for Final Approval of Settlement on or before June 30, 2008.

BY THE COURT:

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John L. Lamm, J.

cc: All Counsel of Record